

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

IN RE:)
) CASE NO. 19-34570-KRH
JAMES LEE SHOCKLEY,) CHAPTER 13
)
)
Debtor.)

**CONSENT ORDER RESOLVING OBJECTION TO
CONFIRMATION OF CHAPTER 13 PLAN**

This matter came before the Court on the United States' (Internal Revenue Service's) "Objection to Confirmation of Chapter 13 Plan" [Dkt No. 40] filed on March 10, 2020 ("Objection"). Upon consideration of the Objection, and the Stipulation of the parties (as reflected by their endorsement of this Order below, it is hereby:

ORDERED that the Objection is RESOLVED upon the following terms and conditions:

(1) Claim No. 5 of the Internal Revenue Service filed on October 28, 2019 is ALLOWED in full as filed. Specifically, the secured claim of the Internal Revenue Service is secured by the following listed in the Debtor's schedules: (1) claim against employee who embezzled \$20,000 (value unknown); (2) claim against Coyne International for \$10,000; and (3) claim for wrongful death of Debtor's spouse (value unknown). These, together with the real estate and personal property listed in the schedules, fully secure the IRS's secured claim in the amount of \$79,700.75 against the debtor.

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(2) The Debtor's Chapter 13 Plan (Dkt No. 37) may be CONFIRMED, subject to the following provisions and agreement to be included in the Confirmation Order:

(a) For purposes of distribution under the plan, the Trustee is authorized to pay \$50,745.27 with five percent (5%) interest annually toward the secured claim; and \$31,006.27 toward the priority claim unless and until an amended plan is filed and confirmed, or other stipulation is entered accounting for funds recovered by the Debtor through litigation described in paragraph (1), above, and paid to the Internal Revenue Service toward the allowed claims.

(3) To the extent that funds are recovered from the litigation described in paragraph (1) above, the United States will be paid the unpaid balance of the allowed secured claim up to the amount of \$79,700.75, plus five percent (5%) interest annually, and the unsecured priority claim as stated on the proof of claim. The Debtor shall be responsible for timely amending the plan and securing confirmation thereof, if necessary, and to amend the payment of the secured claim, amend the amount of payment of the priority claim, to also account for payments by the Trustee.

IT IS SO ORDERED.

DATE: May 13 2020

/s/ Kevin R Huennekens

UNITED STATES BANKRUPTCY JUDGE

ENTERED ON DOCKET: May 14 2020

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WE ASK FOR THIS:

G. ZACHARY TERWILLIGER
United States Attorney

By: /s/ Robert P. McIntosh
Robert P. McIntosh (VSB No. 66113)
Assistant United States Attorney
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SEEN AND AGREED:

/s/ Kimberly Alice Chandler By Robert P. McIntosh w/permission from Kimberly
Kimberly Alice Chandler Chandler based on email signed by Liz Egan dated May 5, 2020.
Chandler Law Firm
P.O. Box 17586
Richmond, VA 23226
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Email: kim@cp-lawfirm.com
Counsel for the Debtor

SEEN AND NO OBJECTION:

/s/ Suzanne E. Wade By Robert P. McIntosh w/permission from Suzanne E. Wade
Suzanne E. Wade based on email dated May 7, 2020.
7202 Glen Forest Drive, Ste. 202
Richmond, VA 23226
Telephone: (804) 775-0979
Email: ecfsummary@ch13ricva.com, trustee@ch13ricva.com; fred@cmc13.net
Chapter 13 Trustee

LOCAL RULE 9022-1(C) CERTIFICATION

The foregoing Order was endorsed by and/or served upon all necessary parties pursuant to Local Rule 9022-1(C).

/s/ Robert P. McIntosh
Robert P. McIntosh
Counsel for the United States of America

LIST OF PARTIES WHO ARE TO RECEIVE NOTICE

Pursuant to Local Bankruptcy Rule 9022-1(B)(1), the following parties are to receive notice of the entry of this Order:

James Lee Shockley
16116 Tri Gate Road
Chester, VA 23831

Robert P. McIntosh (ECF Notice only)

Kimberly Alice Chandler (ECF Notice only)

Suzanne E. Wade (ECF Notice only)